

## >> SYKES V. U.S., 131 S.C.T. 2267

Decided June 9

**ISSUE:** May a conviction for a vehicle flight from law enforcement be considered a violent felony under federal law?  
**HOLDING:** Yes. The Court looked to “whether the elements of the offense are of the type that would justify” using it to enhance the offense, “without inquiring into the specific conduct of the particular offender.” Under 18 U.S.C. §924(e)(2)(B), an offense is a violent felony if it both has, as an element, “the use, attempted use, or threatened use of physical force against the person of another,” or it “is burglary, arson, or extortion; involves use of explosives; or otherwise involves conduct that presents a serious potential risk of physical injury to another.” The Court agreed that the crime did meet the last requirement, as flight presents such a serious risk.

The Court agreed that Indiana’s vehicle flight law was appropriately used as a violent felony to enhance Syke’s federal sentence.

**NOTE:** *Kentucky has a statute that is very similar, in effect, to the Indiana law in question — KRS 520.095, first-degree fleeing or evading police. Under the court’s analysis, a conviction for this offense could also be applied to a federal sentence under similar circumstances. For that reason, peace officers should be cautious about allowing this charge to be dismissed or reduced in plea bargaining, as it can only be used as an enhancement if the subject is, in fact, convicted of the offense.*

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## JDB V. NORTH CAROLINA, 131 S.C.T. 2394

Decided June 16

**ISSUE:** Is a child’s age a factor in the custody analysis required under Miranda v. Arizona?

**HOLDING:** Yes. The Court agreed that “whether a subject is ‘in custody’ is an objective inquiry” — but disagreed that a child’s age has no place in that inquiry.

The Court emphasized that children will not respond in the same way as adults to such questioning and it would be legally unfair not to take that into consideration. The Court found it reasonable to expect law enforcement officers to be able to recognize when a specific child might be too young to understand that they could refuse to answer questions, although the Court declined to set a specific age in its opinion.

The Court returned the case to the lower court for further proceedings based upon its opinion.

**NOTE:** *This case specifically does not address whether removing a child to another room within a school satisfies the custody prong of Miranda. Instead, it focused only on whether the age of a child was a consideration in determining the voluntariness of a statement. Law enforcement officers are strongly advised to discuss the issue with local prosecutors as to whether a child being questioned at the school would trigger Miranda.*



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